

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION No.: 03-cv-12573-EFH

FILED
CLERK'S OFFICE

BERNADINE T. GRIFFITH
Plaintiff

vs.

ONEBEACON INSURANCE COMPANY,
ONEBEACON AMERICA INSURANCE
COMPANY, MICHAEL A. SISTO, and
KAREN ALLEN HOLMES
Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS

PLAINTIFF'S MOTION FOR A PROTECTIVE ORDER

NOW COMES the Plaintiff, Bernadine T. Griffith, who duly opposed the Defendants' Motion to Extend the Discovery Period, and herein moves this Honorable Court for a protective order, as she more fully states:

Subsequent to the Defendants filing of the February 18, 2005 Motion to Extend the Discovery Period and the Plaintiff's Opposition to Defendants' Motion to Extend the Discovery Period, the Defendants improperly served Plaintiff with three notices of deposition for Susan E. Moner, MD, Helen D. Trampusch, MD, and John E. Garrison, PH.D, scheduling the depositions to occur on March 11, 2005 and March 17, 2005. *See attached Exhibit A, March 3, 2005 deposition notices.*

Because the discovery period ended on March 1, 2005 and the Court has not yet issued an order about whether the discovery period may be extended for a second time and/or what, if any, outstanding discovery may be completed, the further taking of discovery constitutes oppression, annoyance, undue burden and expense, pursuant to Fed. R. Civ. R. 26 (c).

Accordingly, the Plaintiff, who waives no privilege, objects to the Defendants taking the said depositions and seeks appropriate relief.

RULE 26.2 (2) CERTIFICATION

I, Kathleen J. Hill, herein re-adopt and re-incorporate the Rule 26.2 (2) Certification that I submitted with the filing of Plaintiff's Second Motion to Compel Discovery, dated February 28, 2005, and further certify that I took the above-stated steps in good faith to resolve this discovery dispute by duly filing an Opposition to the Defendants' Motion to Extend the Discovery Period on February 28, 2005; but, the Defendants who have usurped the Courts power to resolve these discovery disputes, caused the parties not to agree and deliberately acted outside the realm of the discovery rules, thus necessitating the filing of this Motion for a Protective Order.

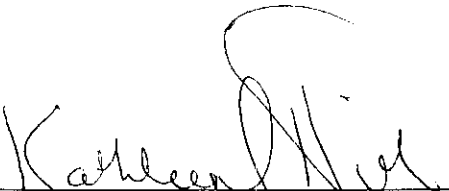
Signed Under the Pains and Penalties of Perjury


Kathleen J. Hill

WHEREFORE, the Plaintiff respectfully requests the Honorable Court issue an order requiring the Defendants to adhere to the existing Scheduling Order and bar the taking of the depositions of any and all fact witnesses and/or from conducting any further discovery, except as ordered by this Court.

Respectfully submitted,
BERNADINE T. GRIFFITH
By her Attorney,

Date:


Kathleen J. Hill BBO# 644665
LAW OFFICE OF KATHLEEN J. HILL
92 State Street, Suite 700
Boston, MA 02109
617.742.0457 (O) / 617.742.4508 (F)

CERTIFICATE OF SERVICE

I, Kathleen J. Hill, certify that I served a true and accurate copy of the foregoing Plaintiff's Motion for Protective Order on the counsel of record: *Keith B. Muntyan and Leah M. Moore*, of Morgan, Brown & Joy, Two Hundred State Street, 11th Floor, Boston, Massachusetts 02109; and, the three deponents: Helen D. Trampusch, MD, Lahey Medical Center, 41 Mall Road, Burlington, MA 01805; John Garrison, Ph.D., Lahey Medical Center, 41 Mall Road, Burlington, MA 01805; and, Susan Moner, MD, Lahey Clinic, One Essex Center Drive, Peabody, MA 01960 by pre-paid U.S. Mail on this 8th day of March 2005.


Kathleen J. Hill

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BERNADINE T. GRIFFITH

Plaintiff,

v.

ONEBEACON INSURANCE COMPANY,
ONEBEACON AMERICA INSURANCE
COMPANY, MICHAEL A. SISTO, and
KAREN ALLEN HOLMES

Defendants.

C.A. No. 03-CV-12573-EFH

NOTICE OF TAKING
DEPOSITION

To: Kathleen Hill, Esq.
Law Office of Kathleen J. Hill
92 State Street, Suite 700
Boston, MA 02109

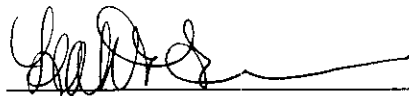
Please take notice that at 1:00 PM on March 11, 2005 at the offices of Lahey Clinic, 41 Mall Road, Burlington, MA 01805, the Defendants in this action, by their attorney(s), will take the deposition upon oral examination of **SUSAN E. MONER, M.D.** pursuant to the applicable provisions of the Federal Rules of Civil Procedure. The Examination will be held before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized by law to administer oaths and will continue from day to day thereafter until complete.

You are invited to attend and cross-examine.

ONEBEACON INSURANCE CO.,
ONEBEACON AMERICA INSURANCE CO.,
MICHAEL A. SISTO, and
KAREN ALLEN HOLMES

By their attorneys,

Dated: March 3 2005



Keith B. Muntyan (BBO # 361380)

keithmuntyan@morganbrown.com

Leah M. Moore (BBO # 658217)

lmoore@morganbrown.com

MORGAN, BROWN & JOY, LLP

200 State Street

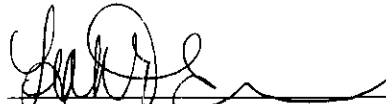
Boston, MA 02109

617-523-6666 (telephone)

617-367-3125 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2005, I caused a true and correct copy of the foregoing to be served by first class mail, postage prepaid, upon Kathleen J. Hill, Esq., Attorney for Plaintiff, Law Office of Kathleen J. Hill, 92 State Street, Suite 700, Boston, Massachusetts 02109, being the address designated by said attorney for service of all pleadings.



Leah M. Moore

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BERNADINE T. GRIFFITH

Plaintiff,

v.

ONEBEACON INSURANCE COMPANY,
ONEBEACON AMERICA INSURANCE
COMPANY, MICHAEL A. SISTO, and
KAREN ALLEN HOLMES

Defendants.

C.A. No. 03-CV-12573-EFH

NOTICE OF TAKING
DEPOSITION

To: Kathleen Hill, Esq.
Law Office of Kathleen J. Hill
92 State Street, Suite 700
Boston, MA 02109

Please take notice that at 9:00 AM on March 11, 2005 at the offices of Lahey Clinic, 41 Mall Road, Burlington, MA 01805, the Defendants in this action, by their attorney(s), will take the deposition upon oral examination of **JOHN E. GARRISON, Ph.D.** pursuant to the applicable provisions of the Federal Rules of Civil Procedure. The Examination will be held before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized by law to administer oaths and will continue from day to day thereafter until complete.

You are invited to attend and cross-examine.

ONEBEACON INSURANCE CO.,
ONEBEACON AMERICA INSURANCE CO.,
MICHAEL A. SISTO, and
KAREN ALLEN HOLMES

By their attorneys,

Dated: March 3 2005



Keith B. Muntyan (BBO # 361380)

keithmuntyan@morganbrown.com

Leah M. Moore (BBO # 658217)

lmoore@morganbrown.com

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Leah M. Moore

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BERNADINE T. GRIFFITH)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 03-CV-12573-EFH
)	
ONEBEACON INSURANCE COMPANY,)	NOTICE OF TAKING
ONEBEACON AMERICA INSURANCE)	DEPOSITION
COMPANY, MICHAEL A. SISTO, and)	
KAREN ALLEN HOLMES)	
)	
Defendants.)	
)	

To: Kathleen Hill, Esq.
Law Office of Kathleen J. Hill
92 State Street, Suite 700
Boston, MA 02109

Please take notice that at 9:00 AM on March 17, 2005 at the offices of Lahey Clinic, 41 Mall Road, Burlington, MA 01805, the Defendants in this action, by their attorney(s), will take the deposition upon oral examination of **HELEN D. TRAMPOSCH, M.D.** pursuant to the applicable provisions of the Federal Rules of Civil Procedure. The Examination will be held before a Notary Public in and for the Commonwealth of Massachusetts or before some other officer authorized by law to administer oaths and will continue from day to day thereafter until complete.

You are invited to attend and cross-examine.

ONEBEACON INSURANCE CO.,
ONEBEACON AMERICA INSURANCE CO.,
MICHAEL A. SISTO, and
KAREN ALLEN HOLMES

By their attorneys,

Dated: March 3, 2005



Keith B. Muntyan (BBO # 361380)

keithmuntyan@morganbrown.com

Leah M. Moore (BBO # 658217)

lmoore@morganbrown.com

MORGAN, BROWN & JOY, LLP

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Boston, MA 02109

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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2005, I caused a true and correct copy of the foregoing to be served by first class ~~mail~~, postage prepaid, upon Kathleen J. Hill, Esq., Attorney for Plaintiff, Law Office of Kathleen J. Hill, 92 State Street, Suite 700, Boston, Massachusetts 02109, being the address designated by said attorney for service of all pleadings.



Leah M. Moore